



EV 317350105 US

PTO/SB/21 (04-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/065,326	
	Filing Date	October 3, 2002	
	First Named Inventor	Steven Curtis Zicker	
	Art Unit	1617	
	Examiner Name	Jennifer M. Kim	
Total Number of Pages in This Submission	3	Attorney Docket Number	IR-7017-00 (2664H-000093/US)

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	David M. Gryte, PTO Reg. No. 41,809 Harness, Dickey & Pierce, P.L.C.
Signature	
Date	October 21, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	David M. Gryte	Express Mail Label No.	EV 317350105 US
Signature		Date	October 21, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



10-22-04
EV 317350105 US

1617
Btw

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Steven Curtis Zicker, et al.
Serial No: 10/065,326
Filed: October 3, 2002
For: Method of Using Omega-3 Fatty Acids
Confirmation No: 9314
Group Art Unit: 1617
Examiner: Jennifer M. Kim
Attorney Ref: IR-7017-00
HDP Ref: 2664H-000093/US

October 21, 2004

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR/MADAM:

Applicants submit this paper in response to the September 22, 2003 restriction requirement in the above-referenced patent application. In the restriction requirement, the Examiner has restricted the claims to one of two groups. In response, Applicants elect **Group I** (claims 1-7) without traverse.

Applicants request consideration on the merits of the above-referenced patent application, and submit that the pending claims are in condition for allowance. Applicants do not believe that they owe any fee in connection with this filing. If, however, Applicants do owe any such fee(s), the Commissioner is hereby authorized to charge the fee(s) to Deposit Account No. **08-0750**. In addition, if there is ever any other fee deficiency or overpayment under 37 C.F.R. §1.16 or 1.17 in connection with this patent application, the Commissioner is hereby authorized to charge such deficiency or overpayment to Deposit Account No. **08-0750**.

Response to Restriction Requirement
Appl. No. 10/065,326
October 21, 2004

The Examiner is requested to call the undersigned if any questions arise that can be addressed over the phone to expedite examination of this application.

Respectfully submitted,



David M. Gryte, PTO Reg. No. 41,809
Harness, Dickey & Pierce
Suite 400, 7700 Bonhomme
Clayton, Missouri 63105
(314) 726-7500 (tel)
(314) 726-7501 (fax)

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I certify that this correspondence is being deposited with the U.S. Postal Service on **October 21, 2004** with sufficient postage as first class mail (including Express Mail per MPEP §512), and addressed to **Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450**.



DMG/PML